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8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 HOUTAN PETROLEUM, INC.

12 Plaintiff,

13 vs.

14 CONOCOPHILLIPS COMPANY, a Texas
corporation and DOES 1 through 10,
15 Inclusive

16 Defendants.
17

Case No. 3:07-cv-5627

**CONOCOPHILLIPS COMPANY'S
NOTICE OF APPLICATION AND
APPLICATION FOR WRIT OF
POSSESSION AND PRELIMINARY
INJUNCTION**

Date: January 25, 2008
Time: 10:00 a.m.
Courtroom: 1
Before: Hon. Samuel Conti

Accompanying Documents:

- 18
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20 1) Memorandum of Points and Authorities
21 2) Declaration of Dan Pellegrino (with
exhibits)
22 3) Declaration of Richard L. Mathews
(with exhibits)
23 4) Declaration of Jay Rollins (with exhibit)
24 5) Declaration of Ed Haddad (with
exhibits)
25 6) Declaration of Adam Friedenber (with
exhibits)

26 TO PLAINTIFF HOUTAN PETROLEUM, INC., AND ITS ATTORNEYS OF RECORD:


27 PLEASE TAKE NOTICE that on January 25, 2008, at 10:00 a.m., or as soon thereafter as
28 the matter may be heard, by the above-entitled Court, located at 450 Golden Gate Avenue, San

1 Francisco, California, Defendant ConocoPhillips Company ("ConocoPhillips") will bring on for
2 hearing this application for a writ of possession and preliminary injunction. Said application is
3 made on the grounds that the parties' franchise agreement has terminated, and Plaintiff Houtan
4 Petroleum, Inc., has no further right to use or possess ConocoPhillips' structures, equipment and
5 improvements located at the service station site that is the subject of this action. Under the
6 franchise agreement, and the Petroleum Marketing Practices Act, 15 U.S.C. section 2801, et seq.,
7 ConocoPhillips is entitled to immediate repossession of its structures, equipment and
8 improvements. Accordingly, the Court should issue a writ of possession authorizing the United
9 States Marshal and ConocoPhillips to enter the station to remove ConocoPhillips' property.
10 Alternatively, the Court should enter a preliminary injunction authorizing ConocoPhillips to
11 remove its property.

12 This application is based upon this Notice of Application and Application, and the
13 accompanying Memorandum of Points and Authorities and Declarations of Dan Pellegrino,
14 Richard L. Mathews, Ed Haddad, Jay Rollins and Adam Friedenberg, and the exhibits submitted
15 with these declarations, all pleadings, orders and papers on file in this action, and upon such
16 other matters of which the Court may take judicial notice or which may be presented to the Court
17 at the time of hearing.

18 Dated: December 20, 2007

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25 By 
26 Attorneys for Defendant
27 ConocoPhillips Company
28